REMARKS

Claims 27-28, 30-34, 36-38, 41-43 and 45-46 stand rejected, of which claims 27, 37 and 42 are independent. Claims 27-28, 30-34, 36-38, 41-42 and 45-46 have been amended. No new matter has been added. The Applicants respectfully request reconsideration in view of the foregoing amendments.

Election/Restrictions

Claims 27-28, 30-34, 36-38, 41-43 and 45-46 were identified as being subject to restrict with a constructive election of claims 27-28, 30-34 and 36. Applicants hereby traverse the restriction and constructive election by amending independent claims 37 and 42 such that the Groups II and III, respectively, do not define a separate invention from the Group I claims.

Claims 27, 38 and 42 as now amended are each directed at delivering financial messages to individual clients and respectively recite steps of, or structure for, delaying delivery of at least one of the financial messages to an individual client and during the delay, presenting the at least one financial message from among the automatically generated financial messages through a user interface; receiving user commands input through the user interface to modify the at least one financial message; and modifying content of the at least one financial message according to the user commands, resulting in a modified financial message.

No new matter is introduced by these amendments. For at least these reasons, Applicants respectfully request withdrawal of the restriction and further examination of all claims as now amended.

Claim Objections

Claims 27-28, 30-34 and 36 were objected based on the use of certain language in the claims that according to the office action renders the claims unclear. Claims 27-28, 30-34 and 36 as well as claims 37-38, 41-42 and 45-46 have been amended to overcome these objections. Furthermore, claims 30, 31, 34 and 41 have been amended to identify "a processor executing the financial adviser interface module" as the structure for enabling manual modification of registered user preferences of the individual clients. Support for this amendment can be found at least in FIGS. 30, 31 and in the subject specification from page 17, line 28 to page 18, line 18. Applicants respectfully request withdrawal of these objections.

Claim Rejections – 35 U.S.C. § 101

System claims 27-28, 30-34 and 36 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. These claims as well as system claims 37, 38 and 41 now recite *memory* and a *processor* in order to define the structure for storing and executing, respectively, the recited system modules that comprise a messaging system. Support for these amendments can be found at least in FIGS. 1 and 2 and in the surrounding specification as originally filed on page 6, line 18 to page 10, line 4. Applicants believe that the amendments to claims 27 and 37 correct any structural deficiencies of claims 28, 30-34, 36, 38 and 41.

Claim Rejections – 35 U.S.C. § 112

Claims 27, 37 and 42 as now amended correct the lack of antecedent basis for the term "the content." Applicants respectfully request withdrawal of this rejection.

Claim Rejections – 35 U.S.C. § 103

Claims 27-28, 30-34 and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Frerichs et al. (U.S. Patent 6,684,249).

Claims 27 and 37 as now amended each recites a computer system that delivers financial messages to individual clients comprising a messaging system stored in memory. The messaging system comprises, in particular part, a message creation system module and an intervention system module that are stored in memory and executed by a processor. Specifically, the processor executes the message creation system module that automatically creates financial messages and delivers the automatically created financial messages to the individual clients after a predetermined delay. The processor also executes an intervention system module that, during the delay, presents at least one financial message from among the automatically generated financial messages through a user interface, receives user commands input through the user interface to modify the at least one financial message, and modifies content of the at least one financial message according to the user commands, resulting in a modified financial message that is delivered to the individual client by the processor executing the message creation system module. Method claims 42 recites similar features without the recital of specific structures. For example, a financial message automatically generated by the messaging system can be modified by the addition of a personalized message directed to an individual client before delivery, as recited in claims 28, 38 and 43. Support for these amendments can be found in FIG. 2 and 18-24 and in the subject specification as originally filed from page 23, line 1 to page 24, line 7 and from page 25, line 2 to page 28, line 15.

Turning to the rejection, Frerichs et al. merely disclose a method for automatically inserting targeted advertisements into streaming audio for transmission over a computer network. Specifically, the advertisements automatically selected and inserted into or over an audio stream are at either the server end or the client end based on a user profile. (see Frerichs et al.: FIG. 6; Abstract; col. 4, lines 44-57; col. 10, lines 17-56; and col. 14, lines

40 to col. 16, line 41). For this reason, Frerichs et al. fail to teach or suggest any system or method that involves delaying delivery of at least one of automatically created financial message to an individual client; and during the delay, presenting the at least one financial message from among the automatically generated financial messages through a user interface, receiving user commands input through the user interface to modify the at least one financial message, and modifying content of the at least one financial message according to the user commands resulting in a modified financial message.
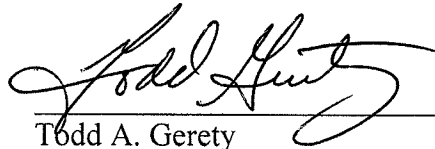
For at least these reasons, claims 27, 37 and 42 are patentable, as they are neither anticipated nor obvious in view of the cited art of record.

Furthermore, by virtue of at least their dependency upon claims 27, 37 and 42 and the additional features recited therein, claims 28, 30-34, 36, 38, 41, 43 and 45-46 are also patentable.

CONCLUSION

In view of the above amendments and remarks, it is believed that claims 27-28, 30-34, 36-38, 41-43 and 45-46 are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date: November 10, 2008

Todd A. Gerety
PTO Reg. 51,729
Attorney for the Applicants
Proskauer Rose LLP
One International Place
Boston, MA 02110

Tel. (617) 526-9655
Fax (617) 526-9899